

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRUCE HARLAND BUTLER,
EDDIE ARMAIL JULIAN-BEY,

Plaintiffs, Civil Action No. 2:22-CV-12528
HONORABLE DENISE PAGE HOOD
v.

GOVERNOR GRETCHEN WHITMER, et. al.,

Defendants.

/

**OPINION AND ORDER DISMISSING COMPLAINT
AS DUPLICATIVE TO CASE No. 2:22-CV-12525**

Bruce Harland Butler and Eddie Julian-Bey, ("Plaintiffs"), confined at the Gus Harrison Correctional Facility in Adrian, Michigan, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Having reviewed plaintiffs' complaint, the Court dismisses it without prejudice for being duplicative of a previously filed civil rights complaint.

In their current complaint, plaintiffs claim that the defendants have failed to take adequate steps to protect them from contracting the Coronavirus while incarcerated.

Plaintiffs previously filed an identical lawsuit against these defendants and raised the same claims, which remains pending before this Court in a

separate case. See *Julian, et. al. v. Whitmer, et. al.*, U.S.D.C. No. 2:22-CV-12525 (E.D. Mich.).

As a general rule, when duplicative lawsuits are pending in separate federal courts, “the entire action should be decided by the court in which an action was first filed.” *Smith v. S.E.C.*, 129 F.3d 356, 361 (6th Cir. 1997). A duplicative suit is one in which the issues “have such an identity that a determination in one action leaves little or nothing to be determined in the other.” *Id.* The Sixth Circuit has held that a district court “has broad discretion in determining whether to dismiss litigation or abstain in order to avoid duplicative proceedings.” *In re Camall Co.*, 16 F. App’x 403, 408 (6th Cir. 2001)(citing *In Re White Motor Credit*, 761 F.2d 270, 274–75 (6th Cir. 1985)).

Plaintiffs’ current civil rights complaint will be dismissed because it is duplicative of their civil rights case which remains pending before this Court in Case No. 2:22-CV-12525.

IT IS HEREBY ORDERED that plaintiffs’ complaint is **DISMISSED WITHOUT PREJUDICE FOR BEING DUPLICATIVE OF THE COMPLAINT FILED IN CASE No. 2:22-CV-12525.**

Dated: October 28, 2022

s/Denise Page Hood
Denise Page Hood
United States District Court